

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

TRAVIS JARED PARK, pro se

v.

Civil Action No. 1:19-cv-991-LM

SCOTT BAILEY (in his official capacity as
a Special Agent of the FBI),
CHRISTOPHER WAGNER (in his official
capacity as head of the State of New
Hampshire Police), and
STEVEN RUSSO (in his official capacity as
head of the City of Keene Police)

DEFENDANT CHRISTOPHER WAGNER'S MOTION TO DISMISS

Defendant Colonel Christopher Wagner, in his official capacity as Director of the New Hampshire State Police, by and through his counsel, the Office of the Attorney General, respectfully submits this Motion to Dismiss, and in support thereof states as follows:

1. On September 23, 2019, Plaintiff Travis Jared Park filed a complaint pursuant to Fed. R. Crim. P. 41(g) for the return of property seized in the course of the execution of search warrant 16-MJ-36-01-06 on March 20, 2016. (Compl. at 9, Relief Sought.)
2. To the extent the Plaintiff claims arise from the allegations that the March 20, 2016 search, or the February 20, 2015 search warrant were unlawful, the claims are time barred by the statute of limitations and should be dismissed.
3. This motion seeks to dismiss any and all claims against Defendant Wagner and the New Hampshire State Police with prejudice.
4. A supporting memorandum of law is filed herewith.

5. Given the dispositive nature of this Motion, Defendant Wagner has not sought concurrence.

WHEREFORE, for the reasons stated herein, as more fully set forth in the accompanying memorandum of law, Defendant Wagner respectfully requests that the Court order as follows:

- A. Dismiss all claims in the Complaint against Colonel Christopher Wagner and the New Hampshire State Police with prejudice; and
- B. Grant such other and further relief as is just and necessary.

Respectfully submitted,

CHRISTOPHER WAGNER, IN HIS
OFFICIAL CAPACITY AS THE
DIRECTOR OF THE NEW HAMPSHIRE
STATE POLICE

By his Attorneys,

GORDON J. MACDONALD
ATTORNEY GENERAL

November 8, 2019

/s/Allison B. Greenstein
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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of November, 2019, a copy of the above Motion was served via ECF on all counsel of record and by first class mail to

Travis Jared Park
13918 E Mississippi Ave. # 152
Aurora, CO 80012

/s/Allison B. Greenstein

Allison B. Greenstein